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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,303	12/19/2001	Benjamin N. Eldridge	20206-12	3351

7590 08/17/2004

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EXAMINER

ABRAMS, NEIL

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,303

Applicant(s)

ELDRIDGE ET AL.

Examiner

Neil Abrams

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-33 is/are allowed.
- 6) ☒ Claim(s) 1,2,9-12,17,18,20,22,23 and 26 is/are rejected.
- 7) ☐ Claim(s) 3-8,13-16,19,21 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claims 1, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwar in view of Venaleck and Bradshaw.

The Schwar system includes probe card 22 contacts 23 and cover 24. The cover lip at 80 is not shown to cover the contacts. ~~It cover the contacts~~. It would have been obvious to form the cover lip to extend inwardly for greater strength, as does the lip of Venaleck, fig. 1A cover 6a and Bradshaw at 35. This would enable the lip to apply a more even force on item 30. For claim 22, use of card for testing die on a wafer is use of known method.

Claims 2, 9, 10, 11, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwar in view of Olsen Venalek and Bradshaw.

For claims 9, 11, 17 use of magnets or adhesive tape in place of Schwar latch 26, 26 would be an obvious use of known expedient; these are typically ^{used} ~~used~~ to hold items in place. Use of magnet in Schwar further suggested by Olsen at 18, 19. For claims 2, 10, 18, obvious to use Venaleck type cover 6a, in Schwar machine, since use of one feature for an equivalent one does not define patentable structure. Venaleck cover is bayonet at 38, 42. Also obvious to lift cover 6a vertically from probe card. Note claims 2, 18 also relate to method step of movement hence only require that the cover be capable of such motion not that the step of such motion be disclosed by the patent. For claims 9, 11, 17, note that the magnet or adhesive strip is applied in place of Schwar latch 25, 26 "not" in place of the hinge at 28.

Claims 1, 2, 12, 22, 23, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwar in view of Schuck and Wickersham.

Obvious to replace Schwar contacts 23 and cover 24 by system like that of Schuck at fig. 8 and with a seal as in Wickersham at 66. The socket with pins 46 would be part of the probe card and would enable adjustable pressure on the wafer and testing in a closed environment. Note that the cover 22 would be in place when no wafer is present and removed to insert the wafer. Arguments refer to cover being removed" to carry out testing, however, the claims do not include such limitation therefore read on prior art wafer hold down covers.

Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwar in view of Venalek, Bradshaw and Wickersham.

Obvious to provide Schwar cover with seal in view of Wickersham at 66. This would enable testing to be carried out without environmental interference.

Claims 27-33 are allowed.

Claims 3-8, 13-16, 19, 21, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: Covers like that of Gleadall at 40 are well known, however it would not have been obvious to use such cover ~~for~~ on a probe card for use in a wafer testing machine, in the context of claims 1, 22. Claims 1, 22 also define patentably over Jeong for reasons stated in response and since the cover 50 is connected to the machine frame and is not readable as "connected to the probe card".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Applicant's arguments filed with the response and pertinent to above rejections have been fully considered but they are not persuasive. As to arguments on pages 7, 8, the use of a large clip to apply greater pressure on the DVT is clearly taught by Venaleck at 6a and also by Bradshaw. The elements 66 of Schwar if in the way could be readily moved, note that none are shown in Venaleck..

Claims 9, 11 relate to well known attachment means, not to patentable features. Use of Velcro for a cover latch would be obvious, Velcro being an adhesive. For claim 10, Venaleck feature 36, 38 is seen to be a bayonet type.

As to argument on page 12, lines 20-23 the claim only requires a step of removing the cover to expose the contact. The reference covers if down would have to be raised (removed) to insert the DUT.

Claims 1, 22 would be allowable with addition to recite that the cover is not to be used during testing of the wafer" since this would overcome the reference covers which are in use during testing.

Any inquiry concerning this communication should be directed to Neil Abrams at telephone number (571)272-2089.

Abrams/ds


NEIL ABRAMS
EXAMINER
ART UNIT 2839